



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}Restriction of liberty orders]

[^{F1}245H Documentary evidence in proceedings under section 245F.

- (1) Evidence of the presence or absence of the offender at a particular place at a particular time may, subject to the provisions of this section, be given by the production of a document or documents bearing to be—
 - (a) a statement automatically produced by a device specified in regulations made under section 245C of this Act, by which the offender's whereabouts were remotely monitored; and
 - (b) a certificate signed by a person nominated for the purpose of this paragraph by the Secretary of State that the statement relates to the whereabouts of the [^{F2}offender] at the dates and times shown in the statement.
- (2) The statement and certificate mentioned in subsection (1) above shall, when produced at a hearing, be sufficient evidence of the facts set out in them.
- (3) Neither the statement nor the certificate mentioned in subsection (1) above shall be admissible in evidence unless a copy of both has been served on the offender prior to the hearing and, without prejudice to the foregoing, where it appears to the court that the offender has had insufficient notice of the statement or certificate, it may adjourn a hearing or make any order which it thinks appropriate in the circumstances.]

Textual Amendments

- F1** Ss. 245A-245I and preceding cross-heading inserted (20.10.1997 for specified purposes and 1.7.1998 otherwise) by 1997 c. 48, s. 5; S.I. 1997/2323, arts. 3, 5(1), Sch. 1
- F2** Word in s. 245H substituted (4.4.2005) by *Antisocial Behaviour etc. (Scotland) Act 2004* (asp 8), ss. 144(1), 145(2), Sch. 4 para. 5(10); S.S.I. 2004/420, art. 3, Sch. 5

Status: Point in time view as at 04/04/2005. This version of this provision has been superseded.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 245H is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** S. 245H applied (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 194, 336, [Sch. 13 para. 14\(5\)](#); [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1

Status:

Point in time view as at 04/04/2005. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 245H is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.